

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIANA CRUZ,	:	
	:	19 Civ. 7474 (LGS) (KNF)
Plaintiff,	:	
	:	<u>ORDER</u>
-against-	:	
	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
Defendant.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on August 14, 2020, Judge Fox issued a Report and Recommendation (“Report”) to grant Plaintiff’s motion for judgment on the pleadings and deny Commissioner’s motion for judgment on the pleadings. The Report explains that the administrative law judge (“ALJ”) failed to obtain complete medical records from St. Marks Place Institute for Mental Health, Inc. “[I]n the absence of the complete record, it is not clear how the ALJ was able to comply with the Social Security Administration’s regulations and evaluate medical evidence in accordance with those regulations,” and further, “absent the complete record, the Court cannot discharge its duty to perform a meaningful review of the ALJ’s decision.” The Report accordingly recommends remanding the case to the Commissioner of Social Security pursuant to sentence six of 42 U.S.C. § 405(g). Dkt. No. 20.

WHEREAS, sentence six of 42 U.S.C. § 405(g) states:

The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner’s answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security, and it may at any time order additional evidence to be taken before the Commissioner of Social Security, but only upon a showing that there is new evidence which is material and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding; and the Commissioner of Social Security shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm the Commissioner’s findings of fact or the Commissioner’s decision, or both, and shall file with the court any such additional and modified findings

of fact and decision, and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript of the additional record and testimony upon which the Commissioner's action in modifying or affirming was based.

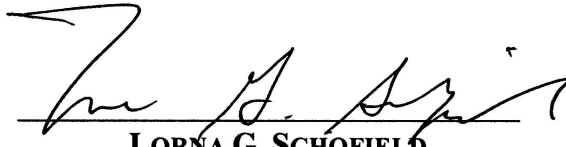
WHEREAS, on August 31, 2020, the Court issued an Order adopting the Report in full.

Dkt. No. 21.

WHEREAS, on August 31, 2020, this case was remanded to the Commissioner of Social Security. It is hereby

ORDERED that by **December 22, 2020**, and every forty-five days thereafter, the parties shall jointly file a status letter apprising the court as to the status of the remanded proceedings.

Dated: December 15, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE